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**STATE CAN NOT YET
ASK**

**ADVANCE OF
FRANK CASE**

Record of Habeas
Corpus

Hearing Before Judge
New-

man Must be
Certified

(By Associated Press.)

WASHINGTON, Jan. 7.—Justice Lamar's approval of an Appeal Bond in the Case of Leo M. Frank completed today the formality of the Appeal to the Supreme Court in so far as Justice Lamar is concerned. The Bond assures payment of costs in the event that Frank loses.

The next step will be the docketing of the Appeal. That cannot be done until the clerk of the Georgia Federal Court in which the Habeas Corpus Proceedings originated, certifies a Record to the Supreme Court. Georgia cannot ask to have the Case advanced for early hearing until it is docketed.

Fuller Not Yet Formally Notified of Lamar's Act

Clerk O. C. Fuller, of the United States District Court, stated Thursday he had assumed that the certified Copy of the Record in Frank's Application for a Writ of Habeas Corpus which he had furnished for Justice Lamar, who allowed Frank's Appeal, would be sufficient for the United States Supreme Court.

If he was called upon for another Copy of the Record, it would be identical with that sent up to Justice Lamar, said Mr. Fuller. Mr. Fuller said he had not yet been formally notified that Justice Lamar had granted the Appeal, but that if another certified Copy of Justice Lamar's Order, would supply one.

"The only new portion of the Record in the Habeas Corpus feature of the Case," said Mr. Fuller, "is opinion and Order of Justice Lamar, which will have to be incorporated into the Record at Washington."

H. A. Alexander, of Frank's Counsel, said Thursday that he was in communication with the Clerk of the United States Supreme Court and that it was the purpose of Frank's lawyers to act thoroughly in accordance with the rules and practice laid down by the Supreme Court. The necessary steps to get the Case on the Docket of that Court, would, he said, be taken as early as possible.
